

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

ARTHUR JAY HIRSCH,

Plaintiff,

v.

PATRICIA B. McGUIRE, individually and in her  
official capacity as General Sessions Court  
Judge, Lawrence County, Tennessee; MIKE C.  
BOTTOMS, individually and in his official  
capacity as District Attorney General, Lawrence  
County, Tennessee; CALEB BAYLES,  
individually and in his official capacity as  
Assistant District Attorney General, Lawrence  
County, Tennessee; BRENT COOPER,  
individually and in his official capacity as  
Assistant District Attorney General, Lawrence  
County, Tennessee; CHRISTI L. THOMPSON,  
individually and in her official capacity as  
Assistant District Attorney General, Lawrence  
County, Tennessee; JIM WHITE, individually  
and in his official capacity as Assistant District  
Attorney General, Lawrence County,  
Tennessee; JEFF REED, individually and in  
his official capacity as Tennessee State  
Trooper; and WAYNE SELLERS, individually  
and in his official capacity as Tennessee  
Highway Patrol Dist. 7 Commander,

Defendants.

No. 1:14-cv-00106

TRIAL BY JURY DEMANDED

**MOTION TO DISMISS**

Comes now the Defendant, JUDGE PATRICIA MCGUIRE, by and through counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves this Court to dismiss the Plaintiff's Complaint against her in its entirety, as the Plaintiff's Complaint fails to state a claim upon which relief may be granted. In support hereof, Defendant states as follows:

1. Plaintiff's claims against Lawrence County General Sessions Judge, Patricia McGuire, arise from the performance of Defendant's judicial duties.
2. Defendant is entitled to absolute judicial immunity from civil suits, including those brought pursuant to 42 U.S.C. § 1983, for monetary damages, arising out of the performance of her judicial duties.
3. To the extent Plaintiff sues Defendant in her official capacity, Defendant is entitled to sovereign immunity under the Eleventh Amendment. Should this Court find Defendant is a county official, such claims must fail because Plaintiff does not allege the existence of any county-wide custom or policy that gave rise to his claims against Defendant.
4. Plaintiff's claims against Defendant McGuire are barred by the doctrine of abstention, as the State's criminal charges against Plaintiff are still on-going.
5. Defendant contemporaneously files a Memorandum of Law in support of this Motion.

Wherefore, premises considered, Defendant, JUDGE PATRICIA MCGUIRE, prays that this Court dismiss Plaintiff's Complaint with prejudice for failure to state a claim upon which relief may be granted.

Respectfully submitted,

BATSON NOLAN PLC

By: /s/ Mark Nolan

Mark Nolan, BPR No. 015859  
Counsel for Defendant  
121 South Third Street  
Clarksville, Tennessee 37040  
(931) 647-1501

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been delivered to the following persons via the Court's electronic filing system or other appropriate means:

**VIA REGULAR MAIL**

Arthur Hirsch  
1029 W. Gaines Street  
Lawrenceburg, TN 38464  
*Pro se Plaintiff*

Robert E. Cooper, Jr.  
Heather Ross  
Dawn Jordan  
Rebecca Lyford  
Office of the Attorney General  
P. O. Box 20207  
Nashville, TN 37202-0207

on this 15th day of September, 2014.

BATSON NOLAN

By: /s/ Mark Nolan